

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Conservation Law Foundation

v.

Civil No. 19-cv-868-JL

US Army Corps of Engineers,  
et al.

**PROCEDURAL ORDER: PRELIMINARY INJUNCTION HEARING**

On **September 6, 2019**, at **9:30 a.m.**, the court shall hold a hearing on the plaintiff's request for a temporary restraining order against the defendants' planned tests of the construction method for the challenged electric transmission line.

On or before **2:00 p.m.** on **September 5, 2019**, the defendants shall file their objection and opposition to the plaintiff's request for temporary relief.

On or before **11:59 p.m.** on **September 4, 2019**, the parties shall jointly file:

- a **single timeline** setting forth all pertinent dates, times, and events, in whatever visual format the parties jointly choose (in other words, the parties need not comply with Local Rule 5.1(a) with respect to the timeline);
- a **single Statement of Agreed Facts** followed by separately-filed Statements of Disputed Facts. The disputed facts are not an invitation to advocacy (i.e., "The plaintiff can not establish irreparable harm because....." or "There is a strong likelihood of success on the merits because...."). The parties should simply list facts they intend to establish at the hearing, or which they contend will not be established at the hearing.

On or before **2 p.m.** on **September 5, 2019**, each party shall file:

- a witness list;
- an exhibit list; and
- proposed findings of fact and rulings of law.

Counsel shall confer (preferably in person, or else by telephone) in a good-faith effort to identify all areas of agreement and to make the statement of facts and timeline as comprehensive as possible, so that open court testimony can focus on matters truly in dispute. Counsel are expressly discouraged from simply "recycling" factual statements submitted in previous pleadings, motions, or other filings in this case.

Counsel shall confer before the hearing to identify all areas of agreement and disagreement as to the admissibility of each exhibit.

On or before **5 p.m.** on **September 5, 2019**, the plaintiff shall file a proposed order in compliance with Rule 65 and Local Rule 65.1. The order shall specifically address the amount of the bond, if any, under Rule 65(c).

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: August 29, 2019

cc: Jeremy David Eggleton, Esq.  
Nathanial Burr Morse, Esq.  
Wilbur A. Glahn, III, Esq.  
Barry Needleman, Esq.